

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RODNEY WILLIAM BELL,

Plaintiff,

v.

1:16-CV-0055 (BKS/ATB)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Appearances:

Peter M. Margolius
Office of Peter M. Margolius
7 Howard Street
Catskill, NY 12414
For Plaintiff

Richard S. Hartunian, United States Attorney
Joshua L. Kershner, Special Assistant United States Attorney
Social Security Administration
Office of Regional General Counsel
Region II
26 Federal Plaza - Room 3904
New York, NY 10278
For Defendant

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

INTRODUCTION

Plaintiff Rodney William Bell filed this action under 42 U.S.C. § 405(g) seeking review of the Commissioner of Social Security's denial of his applications for Disability Insurance Benefits, and Supplemental Security Income. Dkt. No. 1. This matter was referred to United States Magistrate Judge Andrew T. Baxter for a Report and Recommendation. Dkt. No. 3; Local

Rule 73.2(d). On March 2, 2017, after reviewing the parties' briefs, Dkt. Nos. 12, 17, and the Administrative Transcript, Dkt. No. 11, Magistrate Judge Baxter issued a Report and Recommendation recommending that the Commissioner's decision be affirmed and that Plaintiff's complaint be dismissed. Dkt. No. 18, p. 18. Magistrate Judge Baxter advised the parties that under 28 U.S.C. § 636(b)(1), they had "14 days within which to file written objections" to the Report and that "failure to object to th[e] report within 14 days will preclude appellate review." *Id.* (citing *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e)).

DISCUSSION

The Court reviews *de novo* those portions of the Magistrate Judge's findings and recommendations that have been properly preserved with a specific objection. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); 28 U.S.C. § 636(b)(1)(C). Findings and recommendations as to which there was no properly preserved objection are reviewed for clear error. *Id.*

Neither of the parties has raised any objection to Magistrate Judge Baxter's Report and Recommendation. The Court has reviewed the Report and Recommendation for clear error and found none. Accordingly, it is

ORDERED that Magistrate Judge Baxter's Report and Recommendation (Dkt. No. 18) is **ADOPTED** in all respects; and it is further

ORDERED that the Commissioner's decision is **AFFIRMED**; and it is further

ORDERED that the Complaint (Dkt. No. 1) is **DISMISSED with prejudice**; and it is further

ORDERED that the Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: March 30, 2017

A handwritten signature in black ink, reading "Brenda K. Sannes", written over a horizontal line.

Brenda K. Sannes
U.S. District Judge